REMARKS

Claims 1-5, 9, 10, 14-16, 19-23 stand rejected, while claims 6-8, 11-13, 17 and 18 merely were objected to as depending from a rejected claim. Claims 21-23 are being canceled. Therefore, claims 1-20 will be pending after entry of this amendment.

Rejection Under 35 U.S.C. §112

Claims 21-23 were rejected under the first paragraph of 35 U.S.C. §112. This rejection is rendered moot by the cancellation of these claims.

Rejection Under 35 U.S.C. §102

Claims 1-5, 9-10, 14-16 and 19-20 were rejected under 35 U.S.C. §102 as being anticipated by Parker, *et al.*

Independent claim 1 specifies:

> "a base plate having a plurality of openings in one surface and within each of which one of the plurality of electrohydraulic valves is received abutting the one surface . . . "

Therefore, in order to qualify as this base plate, a reference (1) must have one surface with a plurality of openings in which the plurality of valves are received and (2) that surface must abut all those valves.

Such a surface is not present on the base plate of the Parker, *et al.* valve assembly. As clearly shown in the patent's Figures 1 and 2, each electrohydraulic valve 42 is tightly received within a boss 30 of the gasket 28 which extends through the aperture 70 in the base plate 74 and thereby isolates the valve from contacting the base plate surfaces in which aperture is located. That additional gasket 28 is required to properly position and seal the valve with respect to the fluid channels in the manifold 22.

The recent Office Action contends, at the bottom of page 2, that the underside of members 78 forms the claimed a surface of the base plate 74. With reference to Applicants' Exhibit A hereto containing annotated Figures 2 and 8 from the Parker *et al.* patent, the only part of each member 78 that contacts the valves 42 is the relatively small surface "X" at its tip. Those members bend around the bosses 30 of the gasket 28 (see Figure 2) and thus are otherwise spaced from the valves.

The valves 21-23 abutting a major surface 18 of the base plate 12 in the claimed valve assembly prevents those valves from moving perpendicular to the base plate when the valve assembly is being attached to the engine manifold 25 (see application paragraph 0042 and Figure 3). Note that the flexibility of the lead frame 30, that is supported only by a single post 32, does not prevent such movement. In contrast, Parker *et al's* members 78 do not prevent motion perpendicular to its base plate 74 and thus that apparatus requires a gasket 28 with valve sockets 30 and a lead frame 80 with stanchions 84 next to each valve to prevent that perpendicular motion.

Therefore, claims 1-5 are not anticipated because the Parker *et al.* base plate surface at the tip of each element 78 does not have a plurality of openings therein and abuts only one valve. As a result, the patent does not have the claimed base plate 74 with one surface that has a plurality of openings therein and that abuts all the valves. Thus, the reference fails to teach the structural relationship stated in the third paragraph of claim 1.

Claims 9-10, 14-16 and 19-20 are not anticipated for similar reasons. Independent claims 9 and 16 recite:

> "a base plate having two major surfaces with a plurality of openings there between, one of the plurality of electrohydraulic valves being received in each opening and abutting one of the major surfaces, . . ."

Therefore, to anticipate these claims a prior reference (1) must posses a base plate that has one major surface with a plurality of openings between that major surface and one other major surface within which openings a plurality of valves are received, and (2) the one major surface must also abut all those valves.

Of primary significance is that the Parker *et al.* valve assembly does not have the claimed base plate with one surface (major or otherwise) abutting a plurality of valves. Instead the base plate 74 in that patent has a plurality of members 78 each with a separate surface ("X" in Exhibit A) at its tip which abuts only one of the valves.

Furthermore, the base plate 74 in the Parker *et al.* patent does not have two major surfaces with a plurality of openings there between, wherein a valve is received in each opening and abuts one of those major surfaces. First, the very small surface at the tip of each member 78 in that reference is not a "major" surface as that term is defined and used in the present application. A claim term is to be interpreted in the context of the specification and takes on the ordinary and customary dictionary unless the term has an idiosyncratic meaning in the related field of art, *Phillips v. AWH Corp*, 75 U.S.P.Q.2d 1321 (Fed. Cir. 2005) (*en banc*). The standard dictionary definition of a "major", in the context of the present specification, is "greater in number, quantity or extent", see *Mirriam Webster's Collegiate Dictionary - Tenth Edition*, Mirriam Webster Inc., 1994, p.702 (copy enclosed). The use of this term in the application is consist with this definition and identifies major surfaces 17 and 18 between which the valve openings 14, 15 and 16 are located, and those surface are distinguished from the significantly smaller surfaces on the base plate edges, including the tips of prongs 24. The surfaces of the Parker base plate that qualify as being "major" do not abut a valve 42, as evident from Figure 1 of the patent.

Even if the surfaces "X" at the tips of the members 78 in Parker, *et al.* are "major", no two of them have a plurality of openings there between as stated in claims 9 and 16. At best, one opening is formed between the facing tips of adjacent members 78. Therefore unlike the present invention where the valve openings 14, 15 and 16 are all formed between the same two major surfaces 17 and 18, only one opening for a valve is formed between any two surfaces that abut the valve in Parker, *et al.*

In summary, only the relatively small surfaces at the tips of the base plate members 78 in the Parker, *et al.* patent contact the valves. None of those surfaces meets the requirements of the one base plate surface recited in claims 1, 9 and 16, because none of those tip surfaces (1) has a plurality of openings for the valves, and (2) abuts a plurality of valves. Therefore, that patent does not anticipate the electrohydraulic valve assembly in claims 1-5, 9-10, 14-16 and 19-20 under 35 U.S.C. §102

Conclusion

Because the original specification of the present application fully supports the subject matter of the pending claims and because the claimed structure is not taught in the Parker, *et al.* patent, reconsideration and allowance of the application are requested.

Respectfully submitted,
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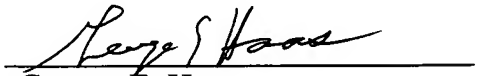
By: 
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